

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 08/26/2020

MARK IANTOSCA

Plaintiff,

-against-

ELIE TAHARI LTD.,

Defendant.

1:19-cv-4527-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

Pursuant to the discussion with the parties on the record of the hearing on August 5, 2020, the Court issued an Order Requesting Certified Deposit Copies on August 11, 2020, requesting the United States Copyright Office to provide certified deposit copies of the works registered under VA-2-150-161 in connection with this action (the “Request Order”) [ECF No. 55]. Since Defendant raised this issue in connection with its Opposition to Plaintiff’s Motion for Summary Judgment but never requested deposit copies during discovery and therefore offered no evidence in support of its Opposition, and since both parties consented on the record to the Court attempting to facilitate obtaining a deposit copy at Defendant’s expense, the Court issued a separate Order that same date providing that Defendant shall bear any cost associated with obtaining these deposit copies [ECF No. 54]. On August 18, 2020, the Court issued an Order directing Defendant to submit an initial payment to the Records Research and Certification Section of the U.S. Copyright Office [ECF No. 58]. Defendant submitted the payment and filed proof of such payment [ECF No. 59], as ordered by the Court.

The Court has since received correspondence from the Records Research and Certification Section of the U.S. Copyright Office regarding the Request Order acknowledging Defendant’s

initial payment and providing for an additional payment to complete the request for certified deposit copies. That correspondence provides as follows:

The Office acknowledges receipt of your \$200.00 retrieval estimate fee. The estimated additional cost will be **\$712.00**. Attached is an updated Estimate for Services identifying the applicable fee(s).

Processing of your request will begin once the U.S. Copyright Office receives payment of compulsory fees. To submit payment electronically, visit <https://www.pay.gov/public/form/start/408083216>, click "Continue to the Form", select Records Research and Certifications (RRC) and enter the RRC Service Request number (**SR 1-9124516401**). To pay by telephone, please contact the Accounting Office at (202) 707-8443. The office is open Monday through Friday (except holidays), from 8:30am – 5:00pm EST. A staff member will assist with payment.

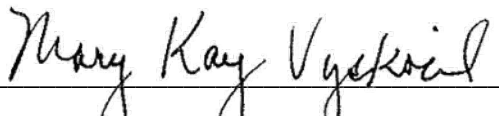
The "updated Estimate for Services" referenced in the correspondence is attached below.

Accordingly, it is hereby ORDERED that Defendant shall submit the additional payment necessary to complete the request and file on the docket in this case documentation confirming the submission of such payment on or before **August 31, 2020**. Defendant shall redact any sensitive payment information.

FAILURE TO COMPLY WITH THIS ORDER AND THE DEADLINES SET FORTH HEREIN MAY RESULT IN THE COURT OVERRULING DEFENDANT'S OBJECTION TO PLAINTIFF'S PENDING MOTION FOR SUMMARY JUDGMENT.

SO ORDERED.

**Date: August 26, 2020
New York, NY**


MARY KAY VYSKOCIL
United States District Judge



UNITED STATES COPYRIGHT OFFICE

Estimate for Services

RECORDS RESEARCH
& CERTIFICATION

Name: _____

Created Date: 8-14-2020 *UPDATE*

Phone: _____

Service Request No.: 1-9124516401 (TCLA)

Registration No.: VA-2-150-161

Title: _____

Other: _____

Service	Unit Price	Quantity	Fee	For Office Use
Estimate				
Estimate for retrieval (to be credited toward request)	\$200.00		\$ 0.00	1707

Retrieval Services

Physical deposit	\$200.00 per hour (1 hour min.) or per 6		\$ 0.00	1401
Electronic deposit	\$200.00 per hour (1 hour min.)		\$ 0.00	1402
Each additional 15 minutes	\$50.00		\$ 0.00	
Electronic application	\$200.00 per hour (1 hour min.)		\$ 0.00	1402
Each additional 15 minutes	\$50.00		\$ 0.00	
Physical correspondence	\$200.00 per 6		\$ 0.00	1403
Electronic correspondence	\$200.00 per hour (1 hour min.)		\$ 0.00	1404
Each additional 15 minutes	\$50.00		\$ 0.00	
Retrieval for inspection of correspondence (physical)	\$200.00		\$ 0.00	1405
Retrieval for inspection of correspondence (e-file)	\$200.00 per hour (1 hour min.)		\$ 0.00	1405
Retrieval for inspection of deposit (physical)	\$200.00		\$ 0.00	1406
Retrieval for inspection of deposit (e-file)	\$200.00 per hour (1 hour min.)		\$ 0.00	1406

Copy Services

Additional certificate	\$55.00		\$ 0.00	1201
Black and white	\$12.00		\$ 0.00	1301
Color	\$12.00	1	\$ 12.00	1303
CD/DVD	\$12.00		\$ 0.00	1305
Flash drive	\$12.00		\$ 0.00	1306
Audio cassette	\$12.00		\$ 0.00	1307
Video cassette	\$12.00		\$ 0.00	1308

Additional Services

Litigation statement	\$100.00 per statement		\$ 0.00	1100
Certification	\$200.00	1	\$ 200.00	1207
Double certified certificates	\$255.00		\$ 0.00	1206
Expedited service	\$500.00 per hour	1	\$ 500.00	1503
Overnight shipping (FedEx)	\$45.00		\$ 0.00	1501
Fax	up to 7 pages (\$7 min.)		\$ 0.00	1502
Each additional page	\$1.00 per page		\$ 0.00	
Public photocopying	\$0.25 per page		\$ 0.00	1504
Outside Service (DUPL/MBRS)	\$		\$ 0.00	1505

Search Services

Search estimate	\$200.00		\$ 0.00	1802
Litigation search	\$200.00 per hour		\$ 0.00	1601
Inspection search	\$200.00 per hour		\$ 0.00	1701
Search report	\$400.00 first 2 hours (2 hour min.)		\$ 0.00	1801
Each additional hour	\$200.00		\$ 0.00	

Other Services

	\$		\$ 0.00	
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Estimate Total
\$ 712.00

For Office Use: